Translation





PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/46082-PCT	FOR FURTHER A	ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)						
International application No.	International filing d	date (day/month/year) Priority date (day/month/year)						
		003 (08.11.2003)	12 November 2002 (12.11.2002)					
International Patent Classification (IPC) or n A01N 57/20	ational classification a	nd IPC						
Applicant BASF AKTIENGESELLSCHAFT								
 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 								
2. This REPORT consists of a total of	4 sheets	, including this cover s	sheet.					
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).								
These annexes consist of a total of sheets.								
3. This report contains indications relati	ng to the following ite	ems:						
I Basis of the report								
II Priority								
III Non-establishment	of opinion with regard	to novelty, inventive	step and industrial applicability					
IV Lack of unity of inv	ention							
V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;								
VII Certain defects in the	VII Certain defects in the international application							
VIII Certain observations on the international application								
Date of submission of the demand		Date of completion of	f this report					
10 May 2004 (10.05.2004)		04 November 2004 (04.11.2004)						
Name and mailing address of the IPEA/EP		Authorized officer						
Facsimile No.		Telephone No.						

Form PCT/IPEA/409 (cover sheet) (January 1994)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

In onal application No.
PCT/EP2003/012483

L. Basis of the report							
1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):							
\boxtimes	the international	application as originally filed.					
\boxtimes	the description,	pages1-15	, as originally filed,				
<u></u>		pages	, filed with the demand,				
		pages	, filed with the letter of,				
		pages	, filed with the letter of ·				
	the claims,	Nos. 1-6	, as originally filed,				
		Nos.	, as amended under Article 19,				
		Nos.	, filed with the demand,				
		Nos	, filed with the letter of,				
		Nos.	, filed with the letter of				
	the drawings,	sheets/fig	_ , as originally filed,				
		sheets/fig	, filed with the demand,				
		sheets/fig	, filed with the letter of,				
		sheets/fig	, filed with the letter of				
2. The amend	ments have result	ed in the cancellation of:					
	the description,	pages					
	the claims,	Nos					
	the drawings,	sheets/fig					
_	<u> </u>	•					
3. This to go	report has been e	stablished as if (some of) the an	nendments had not been made, since they have been considered e Supplemental Box (Rule 70.2(c)).				
4. Additional	observations, if n	ecessary:					
1							
	,						
		·					

YES

NO

1-6

v.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1.	Statement					
	Novelty (N)	Claims	3, 6	YES		
	•	Claims -	1, 2, 4, 5	NO		
	Inventive step (IS)	Claims		YES		
		Claims	1-6	NO		

2. Citations and explanations

Industrial applicability (IA)

This report makes reference to the following document cited in the international search report:

Claims

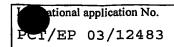
Claims

D1: RAMSDALE B K ET AL: 'Glyphosate tank-mixed with insecticides or fungicides", RES. REP. NORTH CENT. WEED SCI. SOC. (59, 280-83, 2002), XP001180180, University North Dakota State

Document D1 discloses mixtures that contain a glyphosate derivative and pyraclostrobin (Headline) or azoxystrobin (Quadris). According to D1, the combination of glyphosate derivative and pyraclostrobin has a synergistic effect on wheat, barley, oats and millet. Consequently, D1 appears to be prejudicial to the novelty of claims 1, 2, 4 and 5 (PCT Article 33(2)). The subject matter of claims 3 and 6 appears to be novel over D1.

The present application should be considered to address the problem of finding mixtures that can be used to increase the yield of leguminous plants having modified resistance against glyphosate and its esters and salts.

The solution proposed in the application consists in the use of glyphosate and strobilurins, in particular



pyraclostrobin.

However, the synergistic properties of compositions that contain glyphosate derivatives and pyraclostrobin are already known from D1.

Moreover, D1 discloses synergistic mixtures that contain a glyphosate derivative and propiconazol. Consequently, D1 suggests the subject matter of claims 1-6 (PCT Article 33(3)).

According to D1, the mixture of glyphosate derivative and azoxystrobin has an antagonistic rather than a synergistic effect. Consequently, in view of D1, not all strobilurin derivatives appear to be suitable for solving the problem in question (PCT Article 33(3)).

Formal objections

- In view of formula II on page 7 of the description, the term "a glyphosate derivative II" in claims 1, 4 and 5 appears to be misleading.
- At present, the application does not meet the requirements of PCT Rule 5.1(a) because the description does not cite D1.